

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

Thursday, the Nineteenth Day of August, Two Thousand and Four

Present :

The Hon'ble Mr.Justice J.CHELAMESWAR

W.P.No.10972 of 1994

Between :

1. P.S.K.Prasad, Aged : 42 years,

S/o P.Veerawamy,

Occ : Sub-Accountant,

Central Bank of India,

Benz circle branch,

Vijayawada – 10

2. General Secretary,

Central Bank of India Officers Union,

Central Bank of India, Bank Street,

Hyderabad – 500 001 .. Petitioners

And

1. The Chairman & Managing Director,

Central Bank of India,

Chandramukhi, Nariman Point, Bombay

**2. The General Manager (PRS),
Central Bank of India, Chandramukhi,
Nariman Point, Bombay**

**3. The Zonal Manager, Central Bank of India,
Kothi, Bank Street, Hyderabad**

**4. The Regional Manager,
Central Bank of India, Vijayawada-10 .. Respondents**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, order or direction preferably in the nature of WRIT OF MANDAMUS, and declare the Circular No.CO.PRS.IRP.93-94/101, dated 12.4.1993 and consequent letter dated 18.8.1993 issued by the respondents as illegal, arbitrary and unconstitutional as such.

Counsel for the petitioners : Mr.Williams Burra

Counsel for the respondents : Mr.C.Srinivasa Baba

The Court made the following **ORDER** :

-

-

The writ petition is filed with the prayer as follows :

“For the reasons stated in the accompanying affidavit, the petitioner humbly prays that this Hon'ble Court may be pleased to issue a Writ, order or direction preferably in the nature of WRIT OF MANDAMUS, and declare the Circular No.CO.PRS.IRP.93-94/101, dated 12.4.1993 and consequent letter dated 18.8.1993 issued by the respondents as illegal, arbitrary and unconstitutional as such and pass such other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

The case of the petitioner is that he was appointed as a clerk in the respondent organization on 21.5.1973 and later promoted as an officer in Junior Management Scale-I on 16.10.1989 and posted to Vijayawada. It is the further case of the petitioner that he has been working in that capacity till the date of filing of the writ petition. At this stage, the impugned order i.e., Circular No.CO.PRS.IRP.93-94/101, dated 12.4.1993 and the consequent letter dated 18.8.1993 issued by the respondent by which letter the petitioner was informed as follows :

1. In terms of our Regional Office letter dt.23.06.93 you were informed that your basic pay was reduced to Rs.3180/- from Rs.3300/- with effect from 16.10.89 i.e., the date of your promotion to officer cadre.
2. This was effected in terms of Central Office Circular No.CO:PRS:IRP:93-94:101, dated 15.04.1993.
3. Our Regional Office, Vijayawada is instructed us vide their letter No.VRO:PRS:93-94:824, dated 24.06.93 to calculate the amount to be recovered and recover the amount in 12 equal monthly instalments.

The total amount of Rs.8282.81 is to be recovered from you in view of what has been stated above in 12 monthly equal instalments.

Accordingly Rs.690/- was recovered in the salary of July, 1993 being the first instalment of the same.

The letter indicates that the letter is based on the office circular issued by the Central Office dated 12/15th April, 1993. It is the case of the petitioner that the conditions of pay of the petitioner and other officers who are similarly situated as the petitioner are governed by the Central Bank of India Officers Service Regulations and as per Sections 19 and 12 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, power is vested with the Board of Directors of Central Bank of India to frame regulations in consultation with the Reserve Bank of India. According to the affidavit filed in support of the writ petition, there was an amendment to the regulations insofar as it pertains to the class of employees vide circular letter dated 10th March, 1990. In view of the said amendment, the petitioner who was drawing an amount of Rs.2715/- before his promotion to the office of the Junior Management Scale I and on promotion it was fixed at Rs.3300/- in terms of the above mentioned Circular No.VRO/PRS/91-92/073, dated 18.2.1992. The impugned office circular and the consequential letter referred to earlier now seek to reduce the scale of the pay of the petitioner without any notice or opportunity to the petitioner to explain as to why his pay scale should not be variant. The learned counsel for the petitioner, therefore, submitted that there was a failure on the part of the respondents to comply with the principles of natural justice. Apart from this submission, various other submissions regarding the unsustainability of the Circular were made, but, I do not propose to go into the various submissions, for the reason the allegation that no notice was given to the petitioner before his pay structure was altered by the impugned proceedings is not rebutted by way of a counter affidavit. The writ petition is pending on the file of this Court for a period of more than a decade.

In the circumstances, the writ petition is allowed as prayed for.

knk 19.08.2004

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday the Nineteenth day of August Two thousand and four.

Assistant Registrar.

To

1. The Chairman & Managing Director, Central Bank of India, Chandramukhi, Nariman Point, Bombay.
2. The General Manager, (PRS) Central Bank of India, Chandramukhi, Nariman Point, Bombay.
3. The Zonal Manager, Central Bank of India, Kothi Bank Street, Hyderabad.
4. The Regional Manager, Central Bank of India, Vijayawada.
5. 2 CD Copies.